

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA)
v.) CRIM. NO. 1:08MJ1065
ROBERT E. MCDONALD, JR.)
Defendant.)

**AFFIDAVIT IN SUPPORT OF A
CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Michael P. French, a Special Agent with the Federal Bureau of Investigation ("FBI"), Washington Field Division, Washington, D.C., being duly sworn, depose and state as follows:

1. I have been employed as a Special Agent of the FBI since September of 2004 and am currently assigned to the Washington Field Office, Northern Virginia Resident Agency. Since joining the FBI, I have investigated violations of federal law involving the sexual exploitation of children and child pornography. I have received training in conducting child exploitation investigations including on-line investigations of child pornography, a peer-to-peer class on file sharing networks, and workshops on identifying subjects, interviewing children, and case studies. I have participated in numerous search and arrest warrants involving child pornography investigations.

2. I am authorized to investigate violations of the laws of the United States and execute warrants issued under the authority of the United States.

3. The statements contained in this Affidavit are based on my experience, personal observations and knowledge, as well as information provided by other law enforcement officers.

4. This affidavit includes facts to establish probable cause to believe that ROBERT E. MCDONALD, JR. ("MCDONALD") used any facility or means of interstate or foreign commerce to knowingly attempt to persuade, induce, entice, or coerce any individual, who has not attained the age of 18 years, to engage in prostitution or any sexual activity in Fauquier County, within the Eastern District of Virginia, for which he can be charged with a criminal offense, including Va. Code § 18.2-63, 18.2-26 (attempted unlawful carnal knowledge of a child between the ages of 13 and 15 years old), in violation of Title 18, United States Code, Section 2422(b).

DETAILS OF THE INVESTIGATION

5. On December 3, 2008 at approximately 5:59 p.m., two detectives assigned to Fauquier County Sheriff's Office, and acting in an undercover capacity, posted a classified advertisement in the Washington, D.C. section of the website www.craigslist.org.

6. Craigslist.org is a website that allows individuals to post and browse local classified advertisements and forums. Advertisements posted in the Craigslist.org categories called "Casual Encounters" within the "Personals" section and "Erotic Services" within the "Services" section, include men seeking women (m4w), women seeking men (w4m), men seeking men (m4m), and women seeking women (w4w).

7. In the category of "Casual Encounters," the detectives posted an advertisement entitled, "2 nite only - fmly fun - u wn't forget - 99 (Bealeton)." The body of the advertisement stated, "Available tonight only. Interested in some family fun??? Serious inq. Only...Fresssssh..."

8. On December 3, 2008 at approximately 6:34 p.m., one of the detectives ("Detective") received an email response from an individual with a display name of Mike Lewis and an email address of rlewis251@XXXXXX.com. The message stated, "Hello, 28 year old white male. I am

interested in some family fun. Let me know. 5'10 180lbs. 443XXXXXXXX." It included a picture of a white male standing on a boat holding a large fish with another white male standing in the background.

9. At approximately 6:37 p.m., the Detective responded to the email from Lewis, "U down 4 some fun w young?" Lewis replied at approximately 6:39 p.m., "Yes I am. What did you have in mind?" Lewis again replied at approximately 6:39 p.m., "Gotta pic?" At approximately 6:41 p.m., the Detective responded, "R U a cop?" At approximately 6:41 p.m., Lewis responded, "No, are you?" At approximately 6:44 p.m., the Detective stated, "no im not a cop. My girl is 14YO fresh, hot, likes to fuck-suck, no anal, cameras welcome, donation \$200 4 one hour."

10. At approximately 6:44 p.m., Lewis sent an email asking, "Do you have a picture?" At approximately 6:46 p.m., the Detective responded, "yeah hang on." At approximately 6:50 p.m., Lewis responded, "Ok let me know." At approximately 6:56 p.m., the Detective sent an email saying, "Here she is, hot," and he attached a composite photograph of what appeared to be a minor girl. At approximately 6:58 p.m., Lewis responded to the email: "I will do 150 an hour because that is obviously a head put on someone elses body." At approximately 6:59 p.m. Lewis sent a message asking, "Are you 420 friendly. I have the green if your interested." The term "420" is a commonly used reference for marijuana. At approximately 7:00 p.m., the Detective responded, "150 for 45 min." At approximately 7:02 p.m., the Detective sent a follow up message saying, "im down."

11. At approximately 7:03 p.m. EST, Lewis sent an email stating: "How old is she really? 150 for the hour and you catch a buzz on me." At approximately 7:05 p.m., the Detective responded, "Shes 14 and ill take the buzz 4 1 hr". Lewis responded at approximately 7:07 p.m. by asking, "Will she be smoking to? Where am I coming to?" The Detective responded at

approximately 7:10 p.m., "i dunno if she smokes. I have a hotel rm by WArrenton". At approximately 7:12 p.m., Lewis responded: "You can't ask her? You sure you are not a cop?" At approximately 7:13 p.m., the Detective responded: "shel do whaterr I say. dude, ur freakin me out."

12. At approximately 7:14 p.m., Lewis sent an email stating: "Ok sorry. So where am I going?" The Detective responded at approximately 7:16 p.m. by saying, "U know Warrenton?" At approximately 7:17 p.m., Lewis responded, "I've got a gps. All I need is an address." The Detective responded at approximately 7:18 p.m., "r u 4 real? I don't wanna waste my girls time." Lewis responded at approximately 7:19 p.m., "Yea very real. I will be there around 8:30. Are you gonna be in the room the whole time?" At approximately 7:21 p.m., the Detective responded, "Im looking up the address." At approximately 7:21 p.m., Lewis responded, "Ok, you didn't answer my question about being in the room though." At approximately 7:23 p.m., the Detective responded: "Well meet a mcdonalds at 10068 james madison highway warrenton. Well talk money then and then ill give you a key to the room". At approximately 7:24 p.m., the Detective sent a follow-up email stating, "can u do 9:00." At approximately 7:25 p.m., Lewis responded: "I can but the mcdonalds thing is kinda freaking me out. Really you could hand me any key. How do I know that there even is a girl?" At approximately 7:26 p.m., the Detective responded, "were goin back together. Ill introduce you 2 her and she all urs." At approximately 7:28 p.m., Lewis responded, "Ok, so I give you the money at the room."

13. At approximately 7:29 p.m., the Detective responded, "cool w me. What wil u be drivin so I can find u? Im in a gold pickup." At approximately 7:30 p.m., Lewis responded, "Im in a white work van. With ladders on top." At approximately 7:30 p.m., the Detective asked, "u good w 9?" Lewis responded at approximately 7:31 p.m., "Yeah 9 is good. as long as you are for real. And

not a cop." At approximately 7:32 p.m., Lewis sent a follow-up email, "Do you have a number I can reach you at if I am running late?" The Detective responded at approximately 7:35 p.m., "its cool. Im gonna grab a six pack. Text me when ur n the way 571-XXX-XXXX."

14. Later, Lewis corresponded with the Detective and your Affiant by cellular telephone SMS text messaging. At approximately 7:39 p.m., the your Affiant received a text message from cellular telephone number (443) 3XX-1XXX, which stated, "Whats up this is mike. So she is really the person in the picture?" I responded: "Yeah want another pic?" Lewis responded at approximately 7:44 p.m., "Sure, that would help." A second picture was emailed to Lewis, but Lewis stated in a follow-up text message that he did not receive it because he had already left his house. Several text messages were then sent back and forth. At approximately 9:03 p.m., Lewis sent a text message stating, "Ok be there in a couple of mins." At approximately 9:05 p.m., Lewis sent a text message asking, "Why we goin inside?" The undercover officer responded: "Cuz I don't wanna b rolled want to c cash first".

15. At approximately 9:00 p.m., a white work van with ladders on top pulled into the parking lot of the designated meeting place, a McDonalds restaurant on 10068 James Madison Highway, Warrenton, Virginia. Several minutes later, a white male got out of the van and walked to the side entrance of the McDonalds. After making eye contact, Lewis sat down at the table with an undercover officer from Fairfax County Police Department. The undercover officer asked if Lewis had the Snickers bar that he had been asked to bring for the girl. Lewis replied he did not but could pick one up at the convenience store next to the McDonalds. The undercover also asked if Lewis had \$150.00 with him. Lewis affirmed that he did. The undercover officer asked Lewis if he was familiar with the area, Lewis stated that he was not. He was from Maryland. The undercover officer

told Lewis that they would go to a hotel down the road to meet the girl. The undercover's pickup truck was parked in front of the restaurant, and he would wait for Lewis to drive around in front. Lewis could follow behind the undercover's truck to the hotel. Lewis and the undercover officer stood up and began to walk out of the restaurant at which time Lewis was arrested by law enforcement officers.

16. According to the driver's license located in the wallet recovered from the white work van with the ladder on top, the true identify of "Lewis" is ROBERT E. MCDONALD, JR., home address XXXX Daisy Road, Woodbine, Maryland. The Verizon cellular telephone taken from MCDONALD was assigned the telephone number (443) 3XX-1XXX, which had been used to send text messages to the Detective.

17. Subsequent to his arrest, MCDONALD was advised of his Miranda rights and stated that he wished to waive his rights and speak with law enforcement officers. MCDONALD said that he had been using the identity, "Mike Lewis," and email address rlewis251@XXXXXX.com to respond to classified advertisements on the website www.craigslist.org. He had used craigslist multiple times to meet people over the age of 18, and with some of whom, he had paid to have sex. He further stated that on December 3, 2008, at approximately 6:30 p.m. he responded to the ad placed by the Detectives in the "Casual Encounters" section of www.craigslist.org, using an unsecured wireless network in Hanover, Maryland. MCDONALD didn't believe the picture that he had received from the Detective was really a 14-year-old minor female, even after he had been assured that she was indeed 14-years-old. MCDONALD stated that he honestly didn't care enough to argue about the photo. He had no real intent to meet a child to have sex; he just wanted to have sex.

18. MCDONALD drove approximately 84 miles from Hanover, Maryland to Warrenton, Virginia and brought \$150 to pay to have sexual intercourse with an individual, who was purported to be a 14 year old minor female.

CONCLUSION

19. Based on the foregoing, there is establish probable cause to believe that ROBERT E. MCDONALD, JR. used any facility or means of interstate or foreign commerce to knowingly attempt to persuade, induce, entice, or coerce any individual, who has not attained the age of 18 years, to engage in prostitution or any sexual activity for which he can be charged with a criminal offense, including, but not limited to Va. Code § 18.2-63, 18.2-26 (attempted unlawful carnal knowledge of a child between the ages of 13 and 15 years old), in violation of Title 18, United States Code, Section 2422(b).

20. Accordingly, I respectfully request this Court to issue a warrant for the arrest of ROBERT E. MCDONALD, JR.



Michael P. French
Special Agent
Federal Bureau of Investigation

Subscribed and sworn
before me this 17th day of
December 2008.

/s/Thomas Rawles Jones, Jr.

The Honorable Thomas Rawles Jones, Jr.
United States Magistrate Judge